BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

DAVID DOUGLAS) Claimant)	
VS.	Docket No. 198,868
METRO CONSTRUCTION a/k/a RJL, INC. AND TORODA CONSTRUCTION Respondents AND	DOCKET 140. 130,000
KANSAS WORKERS COMPENSATION FUND	

ORDER

The Kansas Workers Compensation Fund appeals from a Preliminary Hearing Order entered by Special Administrative Law Judge John M. Russell on October 11, 1995.

ISSUES

The Kansas Workers Compensation Fund argues that the Special Administrative Law Judge erred in finding respondent, Metro Construction, insolvent and ordering the Fund to pay benefits on that basis.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments of the parties, the Appeals Board finds it does not have jurisdiction to consider the issue raised in this appeal. The Board has limited jurisdiction on appeals from preliminary orders. The appeal must raise an issue listed in K.S.A. 44-534a, or otherwise allege that the Special Administrative Law Judge has exceeded his jurisdiction. The Special Administrative Law Judge has jurisdiction to find respondent to be insolvent and order the benefits paid by the Fund. K.S.A. 44-532a. The finding on this issue, even if it were erroneous, would not exceed the jurisdiction of the Special Administrative Law Judge.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the appeal should be dismissed and the October 11, 1995, Preliminary Hearing Order of Special Administrative Law Judge John M. Russell remains in effect as originally entered.

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Dated this ____ day of December 1995.

BOARD MEMBER

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BOARD MEMBER

c: John M. Ostrowski, Topeka, Kansas Scott M. Price, Salina, Kansas Roger D. Struble, Salina, Kansas Jeffrey E. King, Salina, Kansas Norman R. Kelly, Salina, Kansas John M. Russell, Special Administrative Law Judge Philip S. Harness, Director